

6. In January of 1981, Virginia J. Bednarik prepared a Last Will and Testament ("the 1981 Will"). The 1981 Will was prepared independent and separate of her husband, Gerald F. Bednarik.

7. The Defendant, David J. Bzdill ("Bzdill"), is an attorney licensed to practice law in the State of Illinois and is a partner of the law firm of Hynds, Rooks, Yohnka & Bzdill. Bzdill is a citizen of the State of Illinois. The Partners, John Hynds and Diane Yohnka, are citizens of the State of Illinois. The law firm is located in Grundy County, Illinois.

8. This Court has jurisdiction over the subject matter of this lawsuit pursuant to 28 U.S.C. 1332(a), *et seq.* as the amount in controversy exceeds \$75,000 and the action is between citizens of different states.

9. Venue under 28 U.S.C. 1391 is proper in the Northern District as this is where a substantial part of the events occurred.

10. In August of 2015, Bzdill and the law firm were hired by the Plaintiffs to file a Complaint to set aside the 2011 Will of Virginia J. Bednarik based upon her incompetence.

11. On September 4, 2015, the Defendants, Bzdill and his law firm filed a Complaint seeking to invalidate and set aside the 2011 Will of Virginia J. Bednarik. **(Exhibit A)**.

12. On October 5, 2015, the Executor of the estate of Virginia J. Bednarik filed a Motion pursuant to 735 ILCS 5/2-615 to strike the Complaint because it was not timely brought.

13. The Order admitting the Will to Probate was entered on March 2, 2015. Pursuant to 755 ILCS 5/8-1, any action to set aside the Will was to be brought within six months of the date of admission of such Wills to Probate.

14. The Executor sought to dismiss the Complaint to invalidate and set aside the 2011

Will because it was filed more than six months after the admission of the Will to Probate.

15. Before the Motion to Dismiss could be heard, the Defendants filed a Motion to Withdraw as Attorneys for the Plaintiffs.

16. On March 3, 2016, the Circuit Court of Grundy County entered an Order dismissing the September 4, 2015 Complaint with prejudice. **(Exhibit B)**.

17. The Court found that the Complaint filed on September 4, 2015 was not timely filed.

18. On and before October 6, 2011, the decedent, Virginia J. Bednarik was diagnosed with Alzheimer's disease and lacked testamentary capacity to execute the 2011 Will.

19. But for the Defendants' negligence, the 2011 Will would have been invalidated and set aside.

20. But for the Defendants' negligence, the 1981 Will would have been produced and/or admitted as a lost Will to Probate.

21. Under the 1981 Will, the Plaintiffs, the first cousins of the decedent, Virginia J. Bednarik, would have received the primary assets owned by the decedent on the date of her death, which included, among other assets, farm ground in excess of 600 acres and valued in an amount in excess of \$4,000,0000.

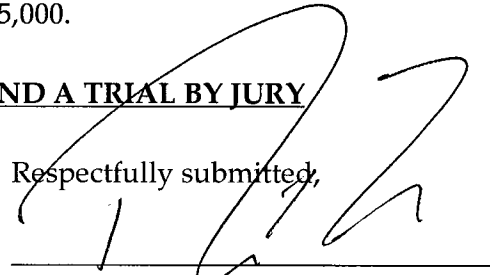
22. As a result of the Defendants' negligence, the 2011 Will was admitted to Probate and persons, unrelated to Virginia J. Bednarik by blood, received the valuable farm land and assets.

WHEREFORE, Plaintiffs, RICHARD LEE HELLAND and PATRICIA FOLTZ, pray for judgment in his favor, and against Defendants, DAVID J. BZDILL and HYNDL, ROOKS, YOHANKA & BZDILL, in an amount in excess of \$75,000.

PLAINTIFFS DEMAND A TRIAL BY JURY

Dated: ~~March~~ *April 19*, 2016

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to one of the attorneys for the plaintiffs.

Attorneys for Plaintiffs

Daniel F. Konicek (6205408)
Andrew M. Cook (6303093)
KONICEK & DILLON, P.C.
21 West State Street
Geneva, IL 60134
630.262.9655